

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; BRYAN AND  
CHRISTY REHM; DEBORAH FENIMORE  
AND JOEL LIEB; STEVEN STOUGH;  
BETH EVELAND; CYNTHIA SNEATH;  
JULIE SMITH; AND ARALENE  
("BARRIE") D. AND FREDERICK B.  
CALLAHAN,

Plaintiffs,

VS.

DOVER AREA SCHOOL DISTRICT;  
DOVER AREA SCHOOL DISTRICT  
BOARD OF DIRECTORS,

Defendants.

## CIVIL ACTION

No. 4:04-cv-2688

(JUDGE JONES)

(Filed Electronically)

**PLAINTIFFS' MOTION FOR LEAVE  
TO FILE A BRIEF IN EXCESS OF FIFTEEN PAGES  
IN OPPOSITION TO DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

Plaintiffs, by their undersigned attorneys, move for leave to file a brief in opposition to defendants' motion for summary judgment in excess of the page and word limits set forth in Local Rule 7.8, as follows:

1. On December 14, 2004, Plaintiffs filed a complaint against Defendants, Dover Area School District and Dover Area School District Board of Directors ("defendants"), in this Court asserting that Defendants' October 18, 2004, Resolution and November 19, 2004, press release (collectively, "the policy") facially and as applied violate the Establishment Clause of the First Amendment to the United States Constitution and that Defendants' policy violates Art. 1, § 3 and Art. III §§ 15 & 29 of the Pennsylvania Constitution facially and as applied.

2. On July 13, 2005, defendants filed a motion for summary judgment.

3. Defendants' motion raises complex legal and factual issues that cannot be adequately briefed within the page/word limits set forth in Local Rule 7.8.

4. Plaintiffs accordingly request permission to file a brief in opposition to defendants' motion for summary judgment up to 45 pages, or 15,000 words, in length.

5. Counsel for defendants concurs in this motion, with the understanding that they may file a reply brief in support of their motion that similarly exceeds the limitations in Local Rule 7.8.

WHEREFORE, plaintiffs request permission to file a brief in opposition to defendants' motion for summary judgment in excess of 15 pages, but not in excess of 45 pages or 15,000 words.

Respectfully submitted,

/s/ Thomas B. Schmidt, III

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Attorneys for Plaintiffs

Date: August 3, 2005

**CERTIFICATE OF CONCURRENCE**

The undersigned attorney for plaintiffs advised defendants' attorney, Patrick T. Gillen, Esquire, of the foregoing motion and was told that defendants concur in it, with the understanding that any reply brief they may file in support of their motion for summary judgment may exceed 15 pages, but not exceed 45 pages or 15,000 words.

/s/ Thomas B. Schmidt, III  
Thomas B. Schmidt, III (PA 19196)

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2005, I caused a copy of the foregoing document to be served upon the following counsel by the Middle District ECF system:

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